

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

CR2010-161954-001 DT

06/13/2011

HONORABLE JAMES T. BLOMO

CLERK OF THE COURT
L. Talbo
Deputy

STATE OF ARIZONA

SARA JACLYN MICFLIKIER
ADENA J ASTROWSKY

v.

DUSTIN HOLLIS CAMPO (001)

GENE R STRATFORD

VICTIM SERVICES DIV-CA-CCC

MINUTE ENTRY

Defendant Dustin Campo is charged with six counts of Sexual Conduct with a Minor, class 2 felony, Dangerous Crimes Against Children, four counts of Sexual Abuse, class 3 felony, Dangerous Crimes Against Children, and one count of Molestation of a Child, a class 2 felony Dangerous Crimes Against Children. The defendant, at his Initial Appearance, was determined to be non-bondable pursuant to A.R.S. § 13-3961. A.R.S. § 13-3961(A) states:

On January 3, 2011 a *Simpson* Hearing was held. Based on the evidence produced at the hearing the court found proof evident/presumption great that the defendant committed one of the crimes enumerated. The defendant's non-bondable status was affirmed.

The Defendant filed a Motion to Reconsider Court's Denial of *Simpson* Motion. The Court fully considered all the evidence presented at the hearing in January and on March 7, 2011 affirmed the defendant's non-bondable status pursuant to Article 2 Section 22 and A.R.S. § 13-3961.

The case was sent back to the Grand Jury and a new indictment was issued on April 6, 2011. The Defendant is once again charged with six counts of Sexual Conduct with a Minor, class 2 felony, Dangerous Crimes Against Children, four counts of Sexual Abuse, class 3 felony, Dangerous Crimes Against Children, and one count of Molestation of a Child, a class 2 felony

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Dangerous Crimes Against Children. The defendant, at his Initial Appearance, was determined to be non-bondable pursuant to A.R.S. § 13-3961. A.R.S. § 13-3961(A) states:

- A. A person who is in custody shall not be admitted to bail if the proof is evident or the presumption great that the person is guilty of the offense charged and the offense charged is one of the following:
1. A capital offense.
 2. Sexual assault.
 3. Sexual conduct with a minor who is under fifteen years of age.
 4. Molestation of a child.

Defense counsel again requested a hearing pursuant to *Simpson v. Owens*, 207 Ariz. 261, 85 P.3d 478 (App. 2004) ("*Simpson*") on the issue of the defendant being held non-bondable. *Simpson* was based on the requirement that the proof is evident or presumption great that defendant committed one of the crimes enumerated in A.R.S. § 13-3961(A).

On May 25, 2011 a *Simpson* Hearing was held. At the hearing the State presented the testimony of Detective Gonzales of the Glendale Police Department. Detective Gonzales testified about the investigation and the interview with the victim (DOB 3/26/95). The detective testified about the various incidents. One incident involved the touching of the victim's vagina over her clothes. The second incident involved digital penetration. The third incident involved the defendant performing oral sex on the victim and the victim performing oral sex on the defendant. The fourth incident involved digital penetration of the victim. The fifth incident involved digital penetration of the victim and penile/vaginal intercourse.

The defendant focused on an entry in Facebook where the victim indicated that she lost her virginity to a cousin. The testimony related to the Facebook entry had little value as it dealt with only one of the alleged incidents and was not written by the victim.

The court has considered the testimony of Detective Gonzales. The court finds proof is evident/presumption great that the defendant committed the crimes of six counts of Sexual Conduct with a Minor, class 2 felony, Dangerous Crimes Against Children, and one count of Molestation of a Child, a class 2 felony Dangerous Crimes Against Children.

IT IS ORDERED that the defendant continue to be held non-bondable pursuant to Article 2 § 22 and A.R.S. § 13-3961.